

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 152C.3, the Board of Massage Therapy hereby gives Notice of Intended Action to amend Chapter 131, “Licensure of Massage Therapists,” and Chapter 133, “Continuing Education for Massage Therapists,” Iowa Administrative Code.

These proposed amendments ease regulatory burdens for massage therapists while maintaining continuing education standards that will ensure the ongoing competency of practitioners in the state of Iowa. These amendments will afford the same protection of the health and safety of Iowans as the current regulations and will also reduce the cost of maintaining a massage therapy license.

The proposed amendments reduce biennial continuing education requirements for massage therapists from 24 hours to 16 hours, while requiring a minimum of 8 hours every two years in hands-on massage therapy courses. In addition, the amendments eliminate the confusing “Category A” and “Category B” designations for continuing education courses, which are a common source of questions and are difficult for a number of practicing massage therapists to understand. These amendments also address a reported shortage of quality hands-on continuing education courses in the rural areas of the state by allowing more flexibility in terms of the modalities in which continuing education hours may be obtained.

Any interested person may make written comments on the proposed amendments no later than May 18, 2016, addressed to Tony Alden, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail tony.alden@idph.iowa.gov; fax (515)281-3121.

A public hearing will be held on May 18, 2016, from 9 to 10 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

Waiver provisions pertaining to these administrative rules are contained in Chapter 18.

After analysis and review of this rule making, no impact on jobs is expected.

These amendments are intended to implement Iowa Code sections 152C.3 and 272C.2.

The following amendments are proposed.

ITEM 1. Rescind subrule **131.2(6)**.

ITEM 2. Renumber subrules **131.2(7)** to **131.2(10)** as **131.2(6)** to **131.2(9)**.

ITEM 3. Amend rule 645—131.4(152C), introductory paragraph, as follows:

645—131.4(152C) Examination requirements. The examination required by the board shall be the examination required pursuant to subrule ~~131.2(7)~~ 131.2(6).

ITEM 4. Rescind paragraph **131.5(1)“c.”**

ITEM 5. Reletter paragraphs **131.5(1)“d”** to **“f”** as **131.5(1)“c”** to **“e.”**

ITEM 6. Amend subrule 131.8(3) as follows:

131.8(3) A licensee seeking renewal shall:

a. Meet the continuing education requirements of rule 645—133.2(152C) and the mandatory reporting requirements of subrule 131.8(4). A licensee whose license was reactivated during the current

renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

~~b. Submit the completed renewal application and renewal fee before the license expiration date; and~~

~~c. Submit evidence of current certification in CPR.~~

ITEM 7. Amend subparagraph **131.14(3)“a”(2)** as follows:

~~(2) Verification of completion of 12 hours of continuing education within two years of application for reactivation or, beginning August 15, 2006, for a licensee whose license is inactive, verification of completion of 24~~ 16 ~~hours of continuing education within two years of application.~~

ITEM 8. Amend subparagraph **131.14(3)“b”(2)** as follows:

~~(2) Verification of completion of 12 hours of continuing education within two years of application for reactivation or, for a licensee whose license expires August 15, 2006, or thereafter, verification of completion of 24~~ 16 ~~hours of continuing education within two years of application; and~~

ITEM 9. Amend rule 645—133.2(152C), introductory paragraph, as follows:

645—133.2(152C) Continuing education requirements. Each biennium, each person who is licensed to practice as a massage therapist in this state shall be required to complete a minimum of 24 16 hours of continuing education. A biennium is a two-year period beginning with the date the license was granted.

ITEM 10. Amend subrule 133.3(2) as follows:

133.3(2) Specific criteria. A licensee shall obtain a minimum of 24 16 hours of continuing education credit every two years. ~~Twelve hours must be obtained in Category A and 12 hours may be in either Category A or B. A licensee may choose to obtain all 24 hours in Category A. A minimum of 8 of the 16 hours must be hands-on training. A maximum of 8 hours of the 16 hours may be independent study.~~ Licensees may obtain continuing education hours of credit by:

~~a. Category A specific continuing education requirements.~~

~~(1) A minimum of 12 hours of the 24 hours shall be:~~

~~1. Direct, hands-on training attended personally by the licensee;~~

~~2. Related to the actual practice of massage/bodywork therapy;~~

~~3. Sponsored by a local, state, national or international professional organization or chapter of massage/bodywork therapy, or a professional, hands-on school of massage/bodywork therapy that meets or exceeds the standards set forth in 645—Chapter 132;~~

~~4. Presented by a massage/bodywork therapist with a minimum of five years of clinical experience in massage/bodywork therapy. The individuals presenting the continuing education activity must have specialized education, training and experience by reason of which said individuals are considered qualified concerning the subject matter of the program.~~

~~(2) Excluded content areas for continuing education in Category A are any massage/bodywork techniques that do not directly make physical contact with the body and that are outside the scope of practice in accordance with the definition of massage therapy set forth in rule 645—131.1(152C), including but not limited to: Reiki, Barbara Brennan Healing Sciences, reflexology, bloodletting, and ear candling.~~

~~b. Category B specific continuing education requirements.~~

~~(1) A maximum of 12 hours of the 24 hours may be in either of the following:~~

~~1. Content areas that are programs of learning which contribute directly to professional competency and enhance the practice of the licensee.~~

~~2. Content areas that are hands-on training programs.~~

~~(2) Programs that are taken in Category B do not have to be sponsored by organizations noted in 133.3(2)“a”(1)“3” and instructors do not have to have a minimum of five years of clinical experience in massage/bodywork therapy.~~

~~(3) A licensee may receive credit on a one-time basis, not to exceed two hours of continuing education credit every two years, for delivery of course(s) in a massage school setting, if the following criteria are met:~~

- ~~1. The course(s) is part of a curriculum approved by the board as outlined in 645—132.4(152C);~~
- ~~2. The licensee is qualified to teach the course(s) as outlined in 645—132.3(152C);~~
- ~~3. The school provides an official written statement that verifies the following:
 - ~~Course title and number of credit hours;~~
 - ~~Inclusive dates the course was taught by the licensee;~~
 - ~~Teaching qualifications of the licensee.~~~~
- ~~(4) A maximum of six hours may be obtained in independent study courses in the areas of massage/bodywork techniques, ethics, mandatory reporter training, and practice management.~~
- ~~(5) A licensee shall obtain two hours of credit in CPR for every two-year renewal period.~~
- ~~(6) Only the number of hours obtained during the two-year renewal period to meet mandatory reporter training requirements may be utilized in the renewal period. No hours shall be carried over into the next biennium.~~
- ~~(7) Excluded content areas for continuing education in Category B include, but are not limited to, any program or training that is outside the scope of practice of massage therapy in accordance with the definition of massage therapy set forth in rule 645—131.1(152C) or that does not enhance professional competency relating to the field of massage/bodywork therapy. Bloodletting and ear candling are excluded content areas:
 - a. Attending workshops, conferences, or symposiums.
 - b. Accessing online training, such as viewing interactive conferences, attending webinars, or completing online training courses.
 - c. Teaching curriculum at a school of massage therapy or presenting professional continuing education programs that meet the criteria listed in this subrule. One hour of credit will be awarded for each hour of presentation. A course schedule or brochure must be maintained for audit. A maximum of 4 hours may be awarded under this paragraph per biennium.
 - d. Completing academic courses that directly relate to the professional competency of the licensee. Official transcripts indicating successful completion of academic courses that apply to the field of massage therapy will be necessary in order for the licensee to receive the following continuing education credits:
 - 1 academic semester hour = 15 continuing education hours of credit
 - 1 academic trimester hour = 12 continuing education hours of credit
 - 1 academic quarter hour = 10 continuing education hours of credit
 - 1 academic clock hour = 1 continuing education hour of credit
 - e. Teaching in an approved college, university, or graduate school. The licensee may receive the following continuing education credits:
 - 1 academic semester hour = 15 continuing education hours of credit
 - 1 academic trimester hour = 12 continuing education hours of credit
 - 1 academic quarter hour = 10 continuing education hours of credit
 - f. Authoring research the results of which are published in a recognized professional publication. The licensee shall receive 5 hours of credit per page.
 - g. Taking courses directly beneficial to business practices necessary for operating a massage practice. Content areas include, but are not limited to, business management, financial management, accounting, tax preparation, marketing, human relations, communication skills, business ethics, and massage ethics.
 - h. Taking courses related to personal skills topics, such as career burnout, communication skills, human relations, and other like topics.
 - i. Completing programs which enhance a supplemental or complementary skill set directly related to promoting the public health while providing massage therapy. Content areas include, but are not limited to, CPR, first-aid, mandatory reporter training, contraindication training, sanitation, and geriatric care.
 - j. Passing a board-approved national certifying examination administered by the Federation of State Massage Therapy Boards or the National Certification Board for Therapeutic Massage Therapy~~

and Bodywork within the biennial continuing education compliance period. A copy of the applicant's official notification may be used by the board as verification.